

## **REMARKS**

In response to the above-identified Final Office Action (“Action”), Applicants traverse the Examiner’s rejection to the claims and seek reconsideration thereof. Claims 1-6 are pending in the present application. In this response, claim 1 is amended, claim 2 is cancelled and no claims have been added.

### **I. Claim Amendments**

Applicants respectfully submit herewith amendments to claim 1. Claim 1 is amended to recite the limitations of now cancelled claim 2. Since the amendments are supported by the specification and do not add new matter, Applicants respectfully request consideration and entry of the attached amendments to the claims.

### **II. Claim Rejections – 35 U.S.C. §§102 and/or 103**

A. In the outstanding Action, the Examiner rejects claims 1-3 under 35 U.S.C. §102(a) as being anticipated by Do et al., “*Nonlinear optical materials containing organic chromophores of dendrimer structures: Synthesis and Optical properties*”, (Photonics Conference 2002) (“Do 2002”). Applicants respectfully traverse the rejection for at least the reason that Do 2002 is not a proper reference.

It is axiomatic to a finding of anticipation that the relied upon reference set forth each and every element of the rejected claim.

Claim 2 is cancelled in the instant response therefore the rejection to claim 2 on this basis is moot.

It is well settled that under 35 U.S.C. §102(a), an applicant’s own work is not prior art unless that work is such as to constitute a statutory bar under 35 U.S.C. §102(b). See MPEP §§715.01(c) and 716.10 citing *In re Katz*, 687 F.2d 450, 454, 215 USPQ 14 (CCPA 1982). The Examiner alleges the previously filed Declaration pursuant to 37 C.F.R. §1.132 by Jung Yun Do declaring that he is the inventor of the subject matter disclosed in Do 2002 and the instant claims

is insufficient and that Applicant must either provide (1) a translation of Do 2002 showing sole authorship; (2) a Declaration declaring sole authorship of Do 2002; or (3) a declaration from other authors of Do 2002 declaring Jung Yun Do is the inventor of the pertinent teaching of the reference.

Applicants respectfully submit, under MPEP §715.01(c)(I) Applicants may overcome a rejection under 35 U.S.C. §102(a) based on Applicants' own work by "establishing that the article is describing applicant's own work." This may be established, for example, by an affidavit or declaration under 37 CFR §1.132 by Applicants. See MPEP §715.01(c)(I).

Applicants respectfully submit the authors of Do 2002 are substantially the same as the inventors of the present application except for Kim, Min-su and Ma, Sung-Min. In particular, the inventors of the instant application are as follows: Do, Jung Yun; Park, Seung Koo; Ju, Jung Jin; Park, Suntak; Kim, Min-su and Myung Hyun Lee. The authors of Do 2002 are as follows: Do, Jung Yun; Park, Seung Koo; Ju, Jung Jin; Park, Suntak; Ma, Sung-Min and Myung Hyun Lee.

In view of the foregoing, Applicants are in the process of preparing new Declarations pursuant to 37 C.F.R. §1.132 for Do, Jung Yun; Park, Seung Koo; Ju, Jung Jin; Park, Suntak and Myung Hyun Lee attesting to the fact that they are the inventors of the pertinent teaching of the reference now recited in claims 1 and 3. In particular, in the Declarations, Applicants declare they are the inventors of the subject matter disclosed in Do 2002 and now claimed in the above-identified application and that although Ma, Sung-Min is listed as a co-author in Do 2002 he did not contribute to the subject matter now claimed in claims 1 and 3 of the above-identified application. Applicants will forward the new Declarations to the Examiner in supplement to the instant submission as soon as they are completed. Applicants believe the new Declarations pursuant to 37 C.F.R. §1.132 will be sufficient to overcome Do 2002 as a reference. Moreover, as evidenced by the Examiner's withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(b) in a previous Action, the Do 2002 reference does not constitute a statutory bar under 35 U.S.C. §102(b). Thus, for at least the foregoing reasons, Do 2002 is not prior art under 35 U.S.C. §102(a).

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. §102(a) over Do 2002.

**B.** In the outstanding Action, the Examiner rejects claims 1 and 3-5 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent 6,252,025 issued to Wang (“Wang”). Applicants respectfully traverse the rejection.

In regard to claim 1, Wang fails to teach at least the element of “wherein the polymer couples to said chromophore at a pendant OH group forming an ester or ether linkage; and the polymer having a dendrimer structure is any one selected from the group consisting of polymers illustrated as Formulas 21, 23, 28, 6, 12, 16, 29, 8, 14, 18, 30, 25, 27 and 31” as recited in amended claim 1. This element was previously recited in now cancelled claim 2. The Examiner has not pointed to, and Applicants are unable to discern, a portion of Wang teaching at least this element of claim 1.

For at least the foregoing reasons, Wang fails to teach each of the elements of claim 1 therefore anticipation may not be found. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) over Wang.

In regard to dependent claims 3-5, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed in regard to claim 1, Wang fails to teach each of the elements of claims 3-5 therefore anticipation may not be found. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-5 under 35 U.S.C. §102(b) over Wang.

**C.** In the outstanding Action, the Examiner rejects claim 6 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Wang as evidenced by Tomalia et. al. “Dendritic macromolecules” (“Tomalia”). Applicants respectfully traverse the rejection.

Claim 6 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons discussed in regard to claim 1, Wang fails to teach or suggest at least the element of “wherein the polymer couples to said chromophore at a pendant OH group forming an ester or

ether linkage; and the polymer having a dendrimer structure is any one selected from the group consisting of polymers illustrated as Formulas 21, 23, 28, 6, 12, 16, 29, 8, 14, 18, 30, 25, 27 and 31” as further found in claim 6. The Examiner has not pointed to, and Applicants are unable to discern, a portion of Tomalia teaching this element.

For at least the foregoing reasons, Wang in view of Tomalia fails to teach or suggest each and every element of claim 6. Since each element of the claim is neither taught nor suggested by the reference, neither anticipation nor a *prima facie* case of obviousness may be established. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over Wang in view of Tomalia.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1 and 3-6, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: October 11, 2006

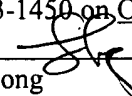
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on October 11, 2006.

  
Si Vuong